

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE CITY OF NEW YORK,

Plaintiff,

Civil Action No. 12 cv 4838

-against-

ROBERT GORDON, d/b/a ALL OF OUR BUTTS;
MARCIA GORDON; JOHN DOES 1-5, being persons
who own, are employed by or are associated with ALL OF
OUR BUTTS; REGIONAL INTEGRATED LOGISTICS,
INC., d/b/a REGIONAL PARCEL SERVICES; and JOHN
DOES 6-10, being persons who own, are employed by or
are associated with Regional Integrated Logistics, Inc. d/b/a
Regional Parcel Services,

DECLARATION OF
ADAM J. RADER

Defendants.
-----X

Adam J. Rader affirms as follows:

1. I am a member of the firm Anderson Kill & Olick, P.C., attorneys for the Defendants Robert Gordon, d/b/a All Of Our Butts and Marcia Gordon (hereinafter "Gordon Defendants"). I am fully familiar with the facts and circumstances of this matter and submit this Declaration in support of the Gordon Defendants' Motion To Dismiss The Amended Complaint And In Opposition To Plaintiff's Motion For A Preliminary Injunction.
2. Attached hereto as **Exhibit A** is a true and correct copy of the Amicus Brief of New York City submitted to the Circuit Court of Appeals for the District of Columbia in Gordon v. Holder, Nos. 12-5031 and 12-5051, dated June 11, 2011
3. Attached hereto as **Exhibit B** is a true and correct copy of the Declaration of Eric Proshansky submitted in support of the Amicus Brief of New York City submitted to the Circuit Court of Appeals for the District of Columbia in Gordon v. Holder, Nos. 12-5031 and 12-5051, dated June 11, 2012.
4. Attached hereto as **Exhibit C** is a true and correct copy of the All Of Our Butts Business License issued by the Seneca Nation of Indians.
5. Attached hereto as **Exhibit D** is a true and correct copy of relevant portions of the Trial Transcript in U.S. v. Morrison, No. 04-CR-699, dated March 31, 2008.
6. Attached hereto as **Exhibit E** is a true and correct copy of the Gordon Defendants' Amended Response to Plaintiff's First Set of Requests For Admission, dated November 29, 2012.

7. Attached hereto as **Exhibit F** is a true and correct copy of relevant portions of the Transcript of Oral Argument before the Supreme Court in Hemi Group, LLC v. City of New York, No. 08-969, dated November 3, 2009.

I declare under the penalties of perjury that the foregoing is true and correct.

Respectfully submitted,

/s/ Adam J. Rader
Adam J. Rader (AR 3530)

Dated: New York, New York
November 30, 2012

Sheehan, Kerry A.

From: NYSD_ECF_Pool@nysd.uscourts.gov
Sent: Monday, December 03, 2012 3:41 PM
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U.S. District Court

Southern District of New York

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Case Name: The City of New York v. Gordon et al

Case Number: 1:12-cv-04838-JMF

Filer: Robert Gordon
Marcia Gordon

Document Number: 47

Docket Text:

DECLARATION of Adam J. Rader in Support re: [42] MOTION to Dismiss.. Document filed by Marcia Gordon, Robert Gordon. (Attachments: # (1) Exhibit A., # (2) Exhibit B., # (3) Exhibit C., # (4) Exhibit D.)(Sheehan, Kerry)

1:12-cv-04838-JMF Notice has been electronically mailed to:

Aaron Michael Bloom abloom@law.nyc.gov

Adam J Rader arader@andersonkill.com

Eric Proshansky eproshan@law.nyc.gov

Kerry Ann Sheehan ksheehan@andersonkill.com

Marybeth Priore mpriore@colucci-gallagher.com, burban@colucci-gallagher.com, jkinsey@colucci-gallagher.com, pjoyce@colucci-gallagher.com

Michael A Lacher mlacher@andersonkill.com, dflynn@andersonkill.com

Paul G. Joyce pjoyce@colucci-gallaher.com

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Document description:Exhibit A.

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[STAMP dcecfStamp_ID=1008691343 [Date=12/3/2012] [FileNumber=10787203-1] [38287dbe0edf4df8044dc754fcee769c47ea9f9823963ea9b86a2c5d0f66f2d4b33df38ed3dba205fff81f8e25d3cfd9fe13ad2b1e7c057217d396e436f75908]]

Document description:Exhibit B.

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[STAMP dcecfStamp_ID=1008691343 [Date=12/3/2012] [FileNumber=10787203-2] [26834ddf0c39333ccf31dce942d51bf57333119ed22d9f21fde0d3da8244d8a1d4f6ecddfdc6f6f941f9d935859ab88340a13ccece35168024238e18a6caf5f5]]

Document description:Exhibit C.

Original filename:n/a

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[STAMP dcecfStamp_ID=1008691343 [Date=12/3/2012] [FileNumber=10787203-3] [6c4eef879ad97ed4b0d2412703e4d1f7a75d10c2f0269cdf62211981dddae2037ec731434c8025837f1d122a9dd9471402a7e184068fb4145d38892d08187dc6]]

Document description:Exhibit D.

Original filename:n/a

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[STAMP dcecfStamp_ID=1008691343 [Date=12/3/2012] [FileNumber=10787203-4] [782b9b17c9a2484d86779a71390545753d4e0f0e2080168ab6cbfe353cdd78ca395767d8c80680363e6f71121ed37f22a9d810b9488662a4878fe5f849e8ad01]]